

**IN THE
SUPREME COURT OF INDIANA**

CASE NUMBER:

ORDER AMENDING RULES OF APPELLATE PROCEDURE

Under the authority vested in this court to provide by rule for the procedure employed in all courts of this state and this Court's inherent authority to supervise the administration of all courts of this state, Rules 9, 15, 39 and Form App.R. 15-1 of the Indiana Rules of Appellate Procedure are amended to read as follows (deletions shown by ~~striking~~ and new text shown by underlining):

RULES OF APPELLATE PROCEDURE

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Rule 9. Initiation Of The Appeal

A. Filing the Notice of Appeal.

(1) Appeals from Final Judgments. A party initiates an appeal by filing a Notice of Appeal with the trial court clerk within thirty (30) days after the entry of a Final Judgment. However, if any party files a timely motion to correct error, a Notice of Appeal must be filed within thirty (30) days after the court's ruling on such motion, or thirty (30) days after the motion is deemed denied under Trial Rule 53.3, whichever occurs first. The Copies of the Notice of Appeal, which need not be file stamped by the trial court clerk, shall be served on all parties of record in the trial court, ~~and filed with the Clerk, and~~ The Notice of Appeal shall also be served upon the Attorney General in all Criminal Appeals and any appeals from a final judgment declaring a state statute unconstitutional in whole or in part. (See Form # App.R. 9--1)

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E. Payment of Filing Fee. The appellant shall pay to the Clerk the filing fee of \$250. No filing fee is required in an appeal prosecuted in *forma pauperis* or on behalf of a governmental unit. The filing fee shall be paid to the Clerk when the Notice of Appeal is served on the Clerk, filed in the trial court. ~~The filing fee shall be accompanied by a~~

~~copy of the Notice of Appeal.~~ The Clerk shall not file any motion or other documents in the proceedings until the filing fee has been paid. A party may proceed on appeal in *forma pauperis* pursuant to Rule 40.

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Rule 15. Appellant's Case Summary

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B. Date Due. The Appellant's Case Summary shall be filed within thirty (30) days of the filing of the Notice of Appeal or, in the case of a Discretionary Interlocutory Appeal ~~an interlocutory appeal~~ under Rule 14(B)(2), the Appellant's Case Summary shall be filed at the time the motion requesting permission to file the interlocutory appeal is filed in the Court of Appeals. ~~at the same time as the filing of either the Notice of Appeal with the trial court clerk or the motion to the Court of Appeals requesting permission to file an interlocutory appeal.~~

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D. Attachments. The following documents shall be attached to the Appellant's Case Summary:

(1) In civil cases, a copy of the judgment or order appealed from, including findings of fact and conclusions, where made;

(2) In Criminal Appeals, a copy of the judgment or order appealed from, including any sentencing order;

(3) A copy of any motion to correct errors filed in the trial court;

(4) A file-stamped copy of the Notice of Appeal, except in Discretionary Interlocutory Appeals; ~~and~~

(5) In Administrative Agency cases, a copy of the order, ruling or decision appealed from, including any order or ruling on any motion or request for rehearing-; and

(6) In appeals filed in forma pauperis, a proof of appointment or proof of indigency.

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Rule 39. Motion To Stay

A. Effect of Appeal. An appeal does not stay the effect or enforceability of a judgment or order of a trial court or Administrative Agency unless the trial court, Administrative Agency or Court on Appeal otherwise orders.

B. Motion in Trial Court or Administrative Agency. A motion for stay pending appeal may not be filed in the Court on Appeal unless a motion for stay was filed and denied by the trial court or by the Administrative Agency if it has authority to grant a stay. If the Administrative Agency does not have such authority, application for stay may be made directly to the Court on Appeal.

C. Motion in Court on Appeal. A motion for a stay pending appeal in the Court on Appeal shall contain certified or verified copies of the following:

- (1) the judgment or order to be stayed;
- (2) the order denying the motion for stay; ~~and~~
- (3) other parts of the Clerk's Record or Transcript that are relevant;~~;~~
- (4) an attorney certificate evidencing the date, time, place and method of service made upon all other parties; and
- (5) an attorney certificate setting forth in detail why all other parties should not be heard prior to the granting of said stay.

D. ~~Proposed Orders for~~ Emergency Stays. If an emergency stay without notice is requested, the moving party shall submit:

- (1) an affidavit setting forth specific facts clearly establishing that immediate and irreparable injury, loss, or damage will result to the moving party before all other parties can be heard in opposition;
- (2) a certificate from the attorney for the moving party setting forth in detail the efforts, if any, which have been made to give notice to the other parties and the reasons supporting his claim that notice should not be required; and
- (3) a proposed order setting forth the remedy being requested.

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Form App. R. 15-1. Appellant's Case Summary (Appearance)

IN THE INDIANA [SUPREME COURT/COURT OF APPEALS/TAX COURT]

CAUSE NO. _____

NAME,)
[Appellant/Petitioner/) [Appeal or petition] from the _____
Plaintiff/Defendant.]) _____ Court.
)
v.) Trial Court case no.: _____
) _____
NAME,)
[Appellee/Respondent/) The Honorable _____
Plaintiff/Defendant.]) _____, Judge.

**APPELLANT'S CASE SUMMARY
(Appearance)**

Party Information

Name: _____ Tel. No.: _____ (Only if unrepresented by counsel)
Address: _____

Attorney or attorneys representing party filing notice of appeal:
Name: _____ Attorney # _____
Address: _____

Tel. No.: _____ Fax No.: _____ E-Mail: _____
Requesting service of orders and opinions of the Court by FAX: Yes ☐ 1 No ☐ 2
~~In forma pauperis-Pauper Appeal:~~ Yes ☐ No ☐ (if yes, attach proof of appointment or
proof on indigency).

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These amendments shall take effect January 1, 2004.

The Clerk of this Court is directed to forward a copy of this order to the clerk of each circuit court in the state of Indiana; Attorney General of Indiana; Legislative Services Agency and its Office of Code Revision; Administrator, Indiana Supreme Court; Administrator, Indiana Court of Appeals; Administrator, Indiana Tax Court; Public Defender of Indiana; Prosecuting Attorney's Council; Indiana Supreme Court Disciplinary Commission; Indiana Supreme Court Commission for Continuing Legal

Education; Indiana Board of Law Examiners; Indiana Judicial Center; Division of State Court Administration; Indiana Judges and Lawyers Assistance Program; the libraries of all law schools in this state; the Michie Company; and the West Group.

The West Group is directed to publish this Order in the advance sheets of this Court.

The Clerks of the Circuit Courts are directed to bring this Order to the attention of all judges within their respective counties and to post this Order for examination by the Bar and general public.

DONE at Indianapolis, Indiana, this _____ day of July, 2003.

Acting Chief Justice of Indiana

All Justices concur.